

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO.: 1:10-CR-61-TLS
)	
BENJAMIN A. VANALLEN)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION

This matter is before the Court on the Findings and Recommendation of the United States Magistrate Judge [ECF No. 74] filed on January 28, 2011. The Defendant has waived objection to the Findings and Recommendation, and the Court, being duly advised, adopts the Findings and Recommendation [ECF No. 74] in its entirety and accepts the recommended disposition. Subject to this Court's consideration of the Plea Agreement pursuant to Fed. R. Crim. P. 11(c)(3), the plea of guilty to the offense charged in Count 1s of the Indictment is hereby accepted, and the Defendant is adjudged guilty of such offense.

The sentencing hearing set for **May 2, 2011, at 2:00 PM**, and the telephone status conference set for **April 28, 2011, at 9:30 am** before Judge Theresa L. Springmann are REAFFIRMED. Any request for a sentence involving a departure under the United States Sentencing Guidelines, or for a variance above or below a Guidelines sentence pursuant to 18 U.S.C. § 3553(a), with the exception of matters raised pursuant to §5K1.1 of the Guidelines, shall be communicated to the probation officer and opposing counsel, in writing, within fourteen (14) days following initial disclosure of the presentence report. Any sentencing memorandum addressing these or any other issues, including requests for a departure based on § 5K1.1, shall be filed with the Court no later than seven (7) days prior to the sentencing hearing.

SO ORDERED on February 14, 2011.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT